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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 2143 OF 2007

Office notes, :
office memoranda :
of coram, :
appearances, :
Court's orders : Court's or Judge's
directions & : order
Registrar's :
orders :

Mr. S. K. Shinde, i/b I. M. Koparkar, advocate for petitioner.

Mr. M. B. Mehere, advocate for respondent Nos. 1 & 2.

Mr. A. P. Vanarase, AGP for respondent Nos. 3 and 4.

Mr. A. M. Khandekar, advocate for respondent No.5.

CORAM: Mrs. Nishita Mhatre,J.

DATE : AUGUST 17, 2007.

P.C.:

. Heard. The petitioner challenges the decision of the School Tribunal in Appeal No. NSK/17/2006. The School Tribunal has dismissed the appeal of the petitioner, on the ground that the petitioner was not able to show that his services were wrongly terminated. It is the contention of the petitioner that his services

came to an end by an order of 14th July 2003. The petitioner was appointed to teach the subject of electronics, on 30th August 2003. After an interview was held, he was selected to the said post. The Tribunal has concluded that the petitioner did not have the requisite experience for being appointed to the post of teacher in Electronics, and therefore, has dismissed the appeal.

2. In the present petition, the petitioner has relied on the G.R. dated 28th July 2000, which according to him, gives him the right to teach electronics, although he has an experience of only 2 years, instead of 3 years, as is required. This G.R. according to the petitioner relaxes the requirement of experience. It appears that though G.R. was before the Tribunal, the Tribunal has not considered the G.R. The Tribunal has also not considered the fact that the advertisement which was

isued, pursuant to which the petitioner had applied, was for a BIFOCAL course. According to the petitioner, he was appointed on the minimum competency vocational course, and therefore, he was entitled to the benefit of the G.R. 28th July 2000. The petitioner also contends that respondent No.5 has been appointed in his place, for the minimum competency vocational course. All these aspects ought to have been considered by the School Tribunal.

3. Hence, the matter is remanded to the School Tribunal to decide the appeal. Parties are at liberty to raise all contentions which have been raised in the petition. The parties are at liberty to produce evidence on record, in support of their case. The petition is accordingly disposed off.

Sd/-

[**Smt. NISHITA MHATRE, J.]**